European Journal of American Studies

European journal of American studies

13-4 | 2018
Special Issue: Envisioning Justice: Mediating the Question of Rights in American Visual Culture

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OpenEdition Journals

Electronic version
URL: http://journals.openedition.org/ejas/13817
DOI: 10.4000/ejas.13817
ISSN: 1991-9336

Publisher
European Association for American Studies

Electronic reference
Nicole Maruo-Schröder, « “Justice Has a Bad Side”: Figurations of Law and Justice in 21st-Century Superhero Movies », *European journal of American studies* [Online], 13-4 | 2018, Online since 07 March 2019, connection on 15 November 2019. URL : http://journals.openedition.org/ejas/13817

"Justice Has a Bad Side": Figurations of Law and Justice in 21st-Century Superhero Movies

Nicole Maruo-Schröder

1. Introduction

1 Despite the long-standing and close connection between matters of law and justice and the superhero narrative, the exploration of what those interconnections can say about our understanding of justice is relatively recent.[1] Both, comic books and their film adaptations, from the Superman- and Batman-franchises to the Avengers and the Suicide Squad, have long suffered from their reputation as low-brow, allegedly inferior text forms which have often not been taken seriously enough to be analyzed and discussed in depth.[2] Fortunately, this is changing, and scholars have started to pay attention to superhero narratives and their ideological implications.[3] As widely circulated and successful visual texts, many of which have a global impact, superhero narratives potentially influence a very large audience, and especially Hollywood blockbusters, with what Richard Barsam and Dave Monahan call their "cultural invisibility" (9), spread ideas, norms, and values on a large scale and often in ways that viewers hardly notice.

2 As part of a global popular culture, the superhero, as Cassandra Sharp points out, has become a cultural icon (353), and consequently, superhero narratives are immensely influential in shaping our everyday ideas, norms, and values although they depict the fictional and even fantastic world of superheroes. Despite such an apparent removal from the mundane, these narratives—as I will show in the following with a reading of three recent films—have a lot to say about our "real" world and its "state of justice." If we consider conceptions of justice and their related practices in a society as a "terrain" (Johnston 15-37) being formed by social norms, values, and practices rather than as a fixed or given structure, these films can be understood to provide a partial (visual) map of that terrain—even more so since superheroes blur and problematize the line between the

legal and the illegal as I discuss below. Yet in the ways that the films highlight and accentuate post-9/11 legal debates and practices related particularly to the War on Terror, they do not just reflect but also influence contemporary ideas about justice; in this sense, they also serve to shape our current terrain of justice, particularly in light of their ever-growing popularity.[4] As I discuss below, particularly *Suicide Squad* (2016) stands out from the most recent wave of the genre, presenting us with a different type of superhero, namely a whole team of criminals out to save the world, a change in characters that in many ways shapes the ideas of justice presented in the film. *Batman v Superman: Dawn of Justice* (2016) and *Captain America: Civil War* (2016) also take a closer look at the figure of the hero, highlighting the problems inherent in the character's all-powerful, extralegal status, albeit in different ways. In contrast to *Suicide Squad*, these films feature heroes—notably Superman and Captain America—that embody U.S. America and some of its central values, and thus, a problematization of these characters comments in even more direct ways on the country's terrain of justice. As these films have their heroes straddling the line between the legal and the illegal, the good and the bad, they play with the ambiguity inherent in morally complex situations. Such a critical perspective concerning the extralegal status of the superhero, however, stands in contrast to some of the other features of these films, partially glossing over, I argue, the problematic nature of the heroes' status as exceptional. Hence, they both support and criticize recent developments in politics and law that encroach on basic civil rights in the face of exceptional circumstances, more particularly the "state of exception" as discussed by Giorgio Agamben and others (Förster, Holzinger, Lemke, *Demokratie*; see also Huysmans).

3 Crisis situations and the perceived necessity to operate outside the law are a routine setting for the superhero narrative, and the critical interrogation of the implications of extralegal actions has become one of its central concerns. Nevertheless, as Roz Kaveney points out, "[c]ritics of the genre often assume, wrongly, that it pays no attention to the ethical issue at its core" (100; see also Fennell 321). With the rather drastic changes that the terrain of (international) justice has undergone since 9/11, shaped by policies based on the suspension of laws during a "state of exception" as well as the idea that "necessity knows no law" and a "whatever it takes"-mentality, it seems only fitting that the ur-American genre of the superhero narrative would focus even more closely on the extralegal status of its protagonists.[5] Therefore, in many recent films, the superhero figure has taken a turn towards becoming a more ambivalent figure. While not all superheroes have been unambiguously good in the past, something that I discuss further below, the characters of the Suicide Squad are nevertheless striking, as I hope to show, in that they take this logic—and the implications this might have for current attitudes to and conceptions of law and justice—to an extreme. With its unusual heroes and heroines, *Suicide Squad* comments on recent developments in American law and politics that suggest the erosion of basic human rights to be a necessity rather than a liability. Operating outside the law, the film's basic premises seem to suggest, is the only way to counter the nature of contemporary threats to the nation so that making supervillains into superheroes is only a logical step to ensure that the law remains effective and "just," matching the villains who threaten national security. To a different extent, *Batman v Superman* and *Captain America* also discuss the extralegal status of the superhero—indeed in both films this becomes a central part of the narrative as the superheroes' right to be "exceptional" and act of their own accord is questioned. In different ways, these films continue what a number of earlier releases, notably Christopher Nolan's *Dark Knight*-

trilogy (2005-2012) and Zack Snyder's *Watchmen* (2009), have pondered with regard to the problem of vigilantism and the necessity of a separation of powers in democratic communities.[6]

4 Building on previous scholarship done in the area of superhero narratives, I read these films in the context of post-9/11 legal and political developments as visualizing the "state of exception" in Agamben's sense as a permanent state of the (Western) world under attack.[7] Therefore, in the following, I map the films' ambiguous portrayal of the "terrain of justice" in a world of anxiety and risk, an extreme—and extremely dangerous—world in which only exceptional measures seem to promise safety. On the one hand, these films problematize the fact that civil rights and liberties (the usual legal proceedings and laws at work in Western democracies) are undermined, critiquing—most clearly visible in *Suicide Squad*—an executive power that can act unsupervised and thus out of control. On the other hand, all of them also demonstrate the necessity of suspending laws during crisis situations, thus actually supporting recent developments in law and politics, most notably those related to national security that seek to suspend and forego civil liberties that seem to stand in the way of protecting the nation.[8] As a framework for my analysis, I begin by commenting on the entanglements and interpenetrations of popular culture and law, focusing on the figure of the superhero and on what superhero narratives in general have to say about justice and criminality. I then turn to the analysis of selected scenes from the above mentioned films to show their ambiguities in commenting on the creation of states of exception in which the law becomes permanently suspended.

2. (Popular) Culture, the Law, and the Superhero

5 As Michael Asimow and Shannon Mader contend, "popular culture both *reflects* and *constructs* our perceptions of the law. It can also *change* the way that the players in the legal system behave" ("Preface" xiii, emphasis in the original; see also Romero and Dahlman 6). Popular cultural texts such as comics and films do not exist in a vacuum or merely for entertainment but have an enormous influence on us, not least because they are so pervasive. Thus, popular culture both serves as a reflection of "real-world" concerns and issues regarding law and justice and sometimes also changes them, a point that might be even more pertinent for visual texts, due to the impact that images have on us (see, e.g., Sontag 42). Popular culture both represents and produces what is going on in our world, often in far-reaching and unexpected ways.[9] In the area of law and justice, this becomes obvious in what we have come to know (or think we know!) about police procedures, forensic matters, and criminal investigations from TV series such as *Law & Order: Special Victims Unit* (1999 onwards), *CSI* (2000-2015), *The Wire* (2002-2008), or lawyer-focused series such as *Boston Legal* (2004-2008).[10] Forensic investigation procedures, for example, playing only a marginal role in the genre in the 20th century, have come to be a major concern in many of these texts and created a generation of viewers that is much more familiar with them than earlier ones (even if some of this "knowledge" is purely fictional).

6 However, the influence of popular culture on legal matters in the real world goes beyond a simple expansion of the audience's knowledge and can also extend to opinions, attitudes, and even real procedures in the legal world. According to Asimow and Mader, law and popular culture interpenetrate each other. They cite the police show *Dragnet* as an example, which popularized the *Miranda* rights (not just) in US-American culture

("Introduction" 10). A more recent example of how popular culture can have a decided impact on real-world attitudes to justice and law is the TV show *24* (2001-2010). Routinely and successfully, the show's hero Jack Bauer (played by Kiefer Sutherland) gains information by torturing people despite the fact that it is illegal, which has apparently led to a more wide-spread acceptance of torture as a legitimate, effective, and necessary way to interrogate criminals (Asimow and Mader, "Introduction" 9).[11] Although this is just a fictional story, it frames, according to Desmond Manderson, people's perception of law and justice—including those of lawyers and judges—in a very specific way (40). During a conference discussion about torture in times of terrorism, for instance, conservative Judge Antonin Scalia of the U.S. Supreme Court referenced *24* saying that "Jack Bauer saved Los Angeles. ... He saved hundreds of thousands of lives," alluding to the second season, in which the agent faces a nuclear threat (qtd. in Freeze n.pag.). Apparently, the judge asked the conference participants "Are you going to convict Jack Bauer? Say that criminal law is against him? ... Is any jury going to convict Jack Bauer? I don't think so" (qtd. in Freeze n.pag.).[12] However, it is not just Judge Scalia who uses a fictional narrative to debate a "real-world" legal problem. In his discussion of *24*, Manderson quotes a number of further areas in which the ideological underpinnings of the show (torture as a legitimate means for getting information) can be markedly felt (38-39). Next to the Intelligence Science Board, which stated in a 2006 report that *24* "educated" its viewers (wrongly) on the effectiveness of torture to educe information, Brigadier General Patrick Finnegan, dean at West Point, complained that its influence has become visible in some cadets' attitudes towards torture.[13] Since the award-winning show "depicts the fight against Islamist extremism much as the Bush Administration has defined it: as an all-consuming struggle for America's survival that demands the toughest of tactics" (Mayer n.pag.), it is therefore an impressive example for how real-world contexts and popular cultural representations interact and mutually influence each other, often in highly problematic ways.

7 In a similar way, quite a number of superhero comic books and films have recently been read in terms of what they have to say on matters of law and justice.[14] This is particularly interesting and pertinent as superheroes often straddle (and problematize) the line between the legal and the illegal, between the normal and the abnormal.[15] In this sense, the superhero is an extension or extreme version of the hero figure as such. The solving of conflicts often requires heroes and heroines to operate outside the law, which becomes most obvious in genres like the Western (in which the hero ignores the order only to (re-)establish it) or dystopian texts (in which the heroines and heroes turn against the laws of the totalitarian government in order to bring about its downfall). It is the hero/heroine who achieves justice, not the law (Hegel qtd. in McGowan n.pag.). Superheroes seem to embody this dialectic even more obviously by their exceptionality.[16] Their superhuman status alone moves them beyond the human world in many ways, including its laws (natural as well as legal ones) (McGowan n.pag.). Moreover, the crisis situations they have to face (in the form of villains who are also superhuman) require them to ignore the law and legal proceedings since otherwise justice cannot be achieved and the world cannot be saved. In other words, superheroes are usually not bound by legal procedures as they can do whatever needs to be done in order to curb the crisis (e.g., a vigilante Daredevil achieves what his lawyer alter ego cannot). Moreover, due to their exceptional powers, no human (legal) force can make them do something they do not want to do (the invincible and almost indestructible Superman as well as Doctor Manhattan from the *Watchmen* are obvious examples).[17]

8 There are a variety of ways in which superheroes interact with (or ignore) the law, and two of the most famous heroes can serve as examples here. Until recently, Superman has seemed to be a rather unproblematic character in this respect since he cooperates with the police force and acts with their consent. Batman, however, has appeared as his darker brother, representing a much bleaker outlook on the American justice system (see Vollum and Adkinson), and he usually operates completely outside the law (though with the silent consent of the police).[18] Particularly Christopher Nolan's *Dark Knight*-trilogy visualizes and problematizes Batman's status as a vigilante in the context of the Bush-Cheney administration's War on Terror (see McGowan; Brooker, *Hunting* 196-210). Although he operates under a no-killing doctrine, he frequently uses illegitimate means (such as illegal forms of surveillance, excessive force, or even torture) to overcome villains and is thus, strictly speaking, also a criminal, something that he himself repeatedly states. Yet it is not simply the case that Superman and Batman are very different characters and thus function differently within their respective worlds. As Vollum and Adkinson point out, they can be seen as products of their world and their actions as "reactions to the world around them" (99): In Superman's world, "law and the justice system are bright and shining examples of 'the good guys'" and thus always to be upheld, while in Batman's world corruption of the government and its judicial system necessitate its ignorance (Vollum and Adkinson 100).[19] In this sense, superheroes have as much to say about justice as about the criminality and the (perceived) threats their society has to face. Thus Sharp contends that "[b]y their very existence, superheroes provide an 'interrogation' of law's legitimacy" (353) as well as "an assessment of the efficacy of criminal justice and punishment" (Sharp 354). Superheroes are needed to face (criminal) threats that are not adequately dealt with by law and law enforcement, thus pointing to the (perceived) ineffectiveness (or even blind spots) of the law and legal procedures.

9 The fact that the existence of superheroes points to shortcomings in the legal system is another reason why it is fruitful to read them vis-à-vis their context of production and the socio-political situation they react to. Throughout the existence of the genre, superheroes and superheroines have kept emerging and changing, responding to the challenges of their time. In 1938 Superman was born, joined by Batman in 1939 and Wonder Woman as well as Captain America in 1941, helping to "allay the anxieties of comic-book readers in the lead up to and during World War II" even before the US joined it (Burke 9f.). Later on, characters such as the Fantastic Four, Thor, the Hulk, and Iron Man joined the scene, providing additional opportunities to explore and criticize issues ranging from the "communist threat" to nuclear technology and other scientific developments.[20] As individuals or in teams, they have used their exceptional abilities to save their city, the nation, and even the world, with or without the backing of the law. In this sense, it is sometimes less a question of upholding the law (which is, after all, often broken by the superheroes) that makes the superhero act than the attempt to prevent a crime or achieve (retributive) justice for both victim and criminal, both of which, these narratives show, can frequently not be attained by the proper legal process (see Sharp 356). As Sharp and others argue, this is in tune with what Australian Chief Justice Bathurst has called a "crisis of confidence" in the law (qtd. in Sharp 357) as well as a shift towards "an increasing penal populism" (Sharp 356), which calls for swifter and more severe forms of punishment and frequently sees legal procedures as a hindrance rather than a tool to bring about justice. In this context, it is particularly interesting to look at

Suicide Squad and other recent films to analyze the ways in which they change and rewrite the more "traditional" superhero narrative while also reinforcing long-standing elements and implications of the genre.

3. "Fighting Fire with Fire": Suicide Squad and the Justification of the Exception(al)

10 While superheroes have rarely been unambiguously good, they have usually been on the side of the "good guys," so that a task force comprised of pathological murderers and other (super)villains fighting for justice might come as a surprise.[21] Although Batman, for instance, operates outside the law as a vigilante, his overall motifs are selfless, and he is fighting for the greater good of society.[22] Similarly, *Hancock*'s hero (2008) is good at heart, if somewhat negligent and (self-)destructive because he is constantly drunk at the beginning of the story. Even the more "monstrous" superheroes are usually characterized as morally upright. Hellboy, in the eponymous film versions (2004, 2008), is a daemon and thus by definition an evil being. Yet, raised by the government, he becomes part of the secret department for fighting paranormal beings and fights the evil and daemonic creatures whose origins he shares (see Ahmed). In *The Incredible Hulk* (2008), Dr. Bruce Banner turns into a monster when enraged, yet it is made very clear that he is not truly evil: Not only was he created in a military experiment (arguably) gone wrong, he also strives to remedy his situation. Finally, the X-Men, although feared by the average population who want to imprison them, still fight for the greater good of society by protecting it, often from those mutants that have "gone bad." Despite their legal ambiguity, in other words, superheroes are usually considered to be morally good people, not pathological criminals.[23] Moreover, despite the fact that they—to different degrees—break the law, they do so with the best intentions, i.e., for justice and the greater good, and it is usually assumed that they can be trusted to know what is best.

11 The Suicide Squad, by contrast, is very different. As Amanda Waller (played by Viola Davis), agent of a secret government organization and the leader of the squad, explains in the movie, the team is to be recruited as an expendable force for special operations with the possibility of full deniability; in other words, not only can the government deny its own involvement in an (illegal) operation but it also has a scapegoat ready should it go wrong. In exchange for reduced prison sentences and the even more persuasive implants that will kill them should they disobey or try to escape, the squad members are forced to become part of the team. As "metahumans," they have special talents that they have so far used for their various criminal endeavors: Deadshot (Will Smith), for example, is a contract killer who has allegedly never missed, and El Diablo (Jay Hernandez) is a former gang leader who can conjure fire at will.[24]

12 Despite initial reservations on the part of political and military leaders, the team is founded. In a revealing scene, Amanda Waller presents the idea of the task force to two other agency members. Her basic argument is that "[i]n a world of flying men and monsters, this is the only way to protect our country" (00:18:30).[25] Referencing Superman's death in *Batman v Superman*, Waller argues that, without his protection, extraordinary means need to be taken in order to ensure America's protection from evil forces such as metahumans. According to her, the extraordinary nature of threats in today's world make extraordinary means necessary, an argument reminiscent of the

debate surrounding the USA PATRIOT Act. In her view, the prospective squad members are the only ones who can protect the nation, not just with their special abilities but also because their extralegal status allows them to operate outside the law and without official authorization. The metahuman—"alien"—threats Waller mentions here can be easily read as a reference to terrorists, likewise regularly characterized as absolute "others" that threaten the Western world in ways that supposedly cannot be dealt with by the usual (legal) means. Characterized as exceptional, such threats are not only used to justify a state of exception, in which laws can be suspended, but also to prolong it indefinitely, precisely as it has become visible in the wake of the attacks on the World Trade Center in 2001, after which civil liberties and laws have become slowly eroded (see Lemke, *Demokratie* chapt. 6; Agamben). The formation of the Suicide Squad seems an apt embodiment of such a state of exception in which the state's ruler (Waller) can ignore laws at will and use whatever is deemed necessary (the squad) to protect the state so that the lawless behavior of the villains is now matched by the lawlessness of the heroes.

13 When Waller presents her idea in front of a larger committee, she again puts forth her argument that the protective forces have to match the evil ones in terms of ruthlessness and the ability to operate outside the law. The chairman, General Edwards, dismisses her idea right away, highlighting that it is both illegal and dangerous as the squad members are criminals who cannot be controlled: "You are not putting the monsters back on the street in our name" (00:19:02). Interestingly, what could be a potentially endless discussion about the moral, ethical, and legal implications of such a task force is cut (very) short by a brief demonstration. Waller has one of the team's members, the Enchantress (Cara Delevingne), collect "a little something from the weapons vault in Tehran" (00:19:30), a secret document that military intelligence has been hunting for years. The power and magic abilities of the witch—dangerous as she may be—are an apt demonstration of the effectiveness of Waller's idea to operate outside the law so that there is no further discussion or weighing of the implications that the use of illegal and dangerous means might have. Despite its questionable legality and its even more problematic moral implications, Task Force X is founded as a counter-terrorist force because it is considered convenient and effective; questions of legality or morality do no longer play a role. Just like a number of post-9/11 institutions and operations, the prison of Guantanamo Bay being among the more notorious ones, the task force is clearly designed to operate outside a system of checks and balances, unrestrained by any of the usual mechanisms of control or supervision in place in democratic societies.

14 As soon as it is founded, the squad is needed for a mission, an "active terrorist event" in Midway City that makes the rescue of person "HVT-1" necessary (00:44:39). The terrorist nature of the threat is underlined visually in the way the sequence is rendered: Midway City, like Manhattan situated on an island, features a skyline of burning and smoking skyscrapers, reminiscent of the widely circulated media images of the burning twin towers. Such visual quotations perpetuate, of course, the memory of 9/11 but also imply that the American nation continues to be under attack. What makes the mission significant for the film's argument about the necessity to employ any means to a good end is the fact that the "terrorist event" is in truth caused by one of the Suicide Squad's members. The Enchantress manages to escape despite the fail-safe that was supposed to keep her under control. As revenge, she plans to destroy humanity, building an army (of regular people turned into zombie supersoldiers) to help her attain this goal. Waller's own implication in the "terrorist attack" mirrors thus in a blunt and simplified way the

unforeseen and unintended consequences that the secret involvement of (Western) governments in international politics can have, based as it is on hidden agendas and national interests more than on the question of what is best for the development of the international community.

15 Although the mission itself is a bit muddled in terms of its logic, it is still interesting for the overall argument about the justification of means to an end and the question of necessity in the face of exceptional danger. When the squad members arrive at the location of HVT-1, they find out that it is Amanda Waller herself whom they have to rescue, the person who forces them to fight against their will. For Waller, the rescue mission, which she herself made indirectly necessary, has demonstrated above all that "I was right, you [the regular team of soldiers] would not have made it without them," (1:02:10), thus justifying her decision to found the Suicide Squad. Moreover, when Waller shoots the rest of her own team before leaving to be rescued simply because they did not have the required security clearance, it becomes obvious who the most evil person in this film is: the powerful and ruthless bureaucrat who is in her efficient and systematic way, and supported by administrative procedures and principles of rationality and order, actually more terrifying than any of the Task Force X-members.[26] The latter have at least a personal motif for committing crimes and, as later scenes will underline, a clear understanding of honor and an admittedly rather peculiar sense of right and wrong.[27] This becomes particularly obvious during the final fight, when the members—regardless of their own personal safety and in a true team effort—successfully fight the Enchantress to save the world.

16 In my view, these rather small scenes are decisive for a reading of the film. While a first superficial viewing might suggest that any means are justifiable in order to achieve a worthy end—not least because of the success of the Suicide Squad as well as their final, rather grudging turn to "goodness"—a more detailed reading suggests something else. First of all, the "terrorist incident"—a global threat—is decidedly not an outside threat but was, in fact, created by Waller's decision to form the team. Thus, it serves to illustrate that the chosen means—here a group of convicted felons—might just be what any of the members are: dangerous and uncontrollable. The "weapon" which is supposed to ensure the nation's security blows up in Waller's face, leading to a dangerous incident with global repercussions, precisely the opposite of what it was supposed to do. Put differently, the team of supervillains becomes an apt image for the measures and means that lie beyond the legal framework that is supposed to be the basis of judicial and executive forces in democratic countries. Interestingly, while the supervillains are dangerous, it is the director of the secret government agency, Waller, who is arguably the most threatening and problematic character due to her powerful status and willingness to operate outside the law. Claiming to have America's best interests at heart, she not only unleashes the forces that destroy Midway City but also cold-bloodedly shoots her own team to cover her tracks.

17 By making supervillains the protectors of the nation, and thus exaggerating the extralegal nature of superheroes to an extreme, *Suicide Squad* comments quite bluntly on current attempts to forego laws and legal procedures in the (global) fight against terrorism. Moreover, within the film the task force is officially sanctioned and instated at the highest level, serving as another comment on the volatile (and opportunistic) nature of (official) interpretations and readings of laws and legality. Arguably, however, the humorous tone of the movie, the squad's turn to goodness at the end, and the fact that

they manage to save the world diminish much of the film's critical edge so that it remains ambiguous as a comment on legal authority and justification of current security politics.

4. Accountability and Responsibility in Batman v Superman: Dawn of Justice and Captain America: Civil War

18 While *Suicide Squad* owes much of its effectiveness to its comical, exaggerated character, other recent films have tackled questions of vigilantism, justice, and (national) security in more serious and arguably more direct ways. Both *Batman v Superman: Dawn of Justice* and *Captain America: Civil War* explicitly ponder the problems surrounding the legitimacy of problematic means even though a purported end might be desirable. Both films start with collateral damage: Superman's (personally motivated) rescue of reporter Lois Lane has apparently caused the death of uninvolved people; similarly a mission of the Avengers went out of hand and ended with the death of innocent bystanders. Both incidents raise questions about the legitimacy of the superheroes' actions, generating public opposition to their extralegal status. Indeed, the once celebrated heroes turn into quasi-criminals who operate without mandate and on their own authority, thus avoiding supervision and accountability. As Senator Finch (Holly Hunter) phrases it in *Batman v Superman*, "The world has been so caught up in what Superman can do that no one has asked what he should do" (0:14:20). The problematic status as vigilante hero is thus extended to superheroes such as Superman and Captain America, who have traditionally been depicted as much less ambiguous and, indeed, as the reliable moral compass of America.

19 This development is especially noteworthy with regard to Superman, for whom such a portrayal is rather new. The earlier *Man of Steel* (2013) debates at length Superman's difference and extraordinary abilities as potential reasons for humans to reject him, yet the question of legitimacy does not come up, simply because his extraordinary abilities are largely kept secret.[28] What is more, in *Batman v Superman* the eponymous hero (Henry Cavill) is actually asked to appear at a hearing on Capitol Hill in order to determine the legality of his actions and, ultimately, to put him under the government's authority. A noteworthy sequence (00:43:09-00:45:36) ponders at length the implications of this by interweaving images of media discussions about Superman and his legal status with scenes of his actual (unauthorized) rescue missions. The media discussions revolve around a number of different ideas and opinions, but the one given by Senator Finch is the dominating one. She warns that "[t]o have an individual engaging in these state-level interventions should give us all pause;" however, slightly later she points out that she does not think that Superman should not use his powers, merely that "he shouldn't act unilaterally," i.e., of his own accord. Her words, however, are intercut with Superman's actions: He is shown to be literally all over the globe, saving a girl from a burning building in Ciudad Juárez, Mexico, towing a capsized ship towards safety possibly somewhere in the arctic, rescuing the astronauts from a Russian rocket that explodes during the launch, and, finally, saving people from drowning in a flood in a region not further specified. Not only is Superman visualized in the latter scene as a kind of angel descending from above, but he is also shown as tireless, selfless savior of all those who are in need, "just a guy," as someone remarks, "trying to do the right thing." In other words, while the discussion alludes to a number of important points, including the danger of somebody wielding such

a great amount of power without a system of checks and balances, Superman's visualized actions belie this as unfounded.

20 During an interview before Superman's hearing, Senator Finch declares that "[i]n a democracy, 'good' is a conversation, not a unilateral decision" and goes on to emphasize that a dialogue is central for a democracy (1:03:18). In his discussion of *24*, Manderson notes that the exceptionality of the hero, particularly in terms of justice, is "achieved not through law but outside of it, not through debate but through insight, not through cooperation or discussion or reflection but through solitary action" (33).[29] In contrast to this, Finch seems to formulate a more democratic conception of law and justice, achieved in discussions and through reflection, in day to day debates about what is right or wrong in courtrooms as well as in society at large. Her "democratic" conception clearly stands in opposition to the assumptions which superheroes embody because they operate precisely outside the law that they are fighting to uphold. The difference between accountability and responsibility is important here as well. Accountability is part of the system of law, "a defensive maneuver that enables us to justify our action or our inaction by reference to established rules and procedures;" responsibility, in contrast, refers to "our obligations to others as inherently uncodifiable, unpredictable, and grounded in the singularity of personal relationship," i.e., an individual choice unfettered by legal restraints (Manderson 35).[30] What Manderson writes with regard to Jack Bauer is also true for superheroes: They feel responsible for the fate of humanity (doing what they personally decide is good or just) but are not accountable for consequences to worldly courts. In an earlier scene, a senate hearing on the unsanctioned actions of Superman in the African desert, Senator Finch tries to question this unaccountability when she states, "Let the record show that this committee holds him [Superman] responsible [read accountable in Manderson's sense]" (00:14:26). It is revealing that she is, a little later, blown up together with the whole committee, even though this is done by the villain Lex Luthor (Jesse Eisenberg), not Superman. To hold Superman accountable in the legal sense, to make him a part of the processes required by the legal frameworks of criminal prosecution and court procedures would simply not work.[31] Putting him on a par with regular law enforcement undermines core ideas of the superhero narrative and the crisis situations it imagines, something which is corrected by Finch's death because it makes—ironically—the need for Superman obvious. Indeed, the state of exception embodied by Superman (literally the last man standing in this scene) has to continue to protect justice, law, and democracy.

21 The question of legitimacy is also highlighted from another angle: While Bruce Wayne (Ben Affleck) accuses Superman of being dangerous, Clark Kent questions Batman's extralegal methods of enforcing the law. This is interesting not just because they both operate without legal authorization but also because they have traditionally stood for two different views on the legal system. Whereas Superman has been a symbol for a working justice system that occasionally needed his help to be fully effective, Batman has embodied the lone vigilante who has fought the corruption of the system.[32] In *Batman v Superman* they each question the other's right to act on behalf of justice while taking their own extralegal status not only for granted but also to be a *sine qua non* for protecting the world. Unsurprisingly, they follow different arguments. Batman is not so much worried about the extralegal nature of Superman's actions than about his extraordinary powers, which are unsupervised and cannot be controlled. According to him, society has to act on the possibility that Superman could abuse this power and wipe out the human race,

formulating a sort of politics of prevention reminiscent of current preemptive security practices.[33] Superman in turn focuses on Batman's illegal actions and his conflation of judiciary and executive, visible in the branding of villains before they are legally tried, let alone convicted. To his alter ego, journalist Clark Kent, such vigilantism is "like a one-man reign of terror" (00:29:52), and he sees Batman (who reflects here the dictatorial quality of the government during the state of exception) as a sign of the corruption of the system and decidedly not a way to improve it. In fact, despite his own extralegal status, Kent takes the legally correct point of view, pointing out that Batman turns the city into a lawless space by depriving those he thinks to be villains of their civil rights by withholding due process. Like Superman, Batman embodies the opposite of a system based on the separation of powers, only in a more extreme form as he both investigates and punishes, something that he himself acknowledges: "We're criminals, Alfred. We've always been criminals" (00:21:23).

22 Hence, as a promised "dawn of justice," the film pits two of the most famous heroes against each other, ironically fighting about who has the right to ignore the law.[34] Both are unwilling to submit to government authorities or supervision, embodying the need for the exceptional hero in different ways: They want to be flexible in taking action and swift in their response, with Superman being more interested in rescue operations and Batman, arguably, in adequate punishment. Incidentally, these arguments are similar to those that have been used to continue the suspension of democratic and legal procedures in the US. Moreover, in one scene during this epic fight, the viewer can briefly glimpse Juvenal's famous dictum "Quis custodiet ipsos custodies?" ("Who Watches the Watchmen?," written on a wall; 01:39:58), a self-reflexive and slightly ironic gesture in this context, considering that it is only the heroes themselves as well as the audience who (literally) watches them.[35] Yet, overall and particularly considering its ending, the film suggests that operations outside the law are necessary even if they are undemocratic—otherwise humans cannot properly be protected. Both the urgency and scope of the final battle—which starts out as a battle between the two superheroes and then almost immediately turns into a team fight against the Kryptonian monster that archvillain Luthor has created—suggest that there are situations that require immediate actions rather than critical reflection and lengthy democratic debates.[36] Moreover, if film endings can be read as dishing out punishment and rewards, then Batman, who is visualized as increasingly radical and cruel (particularly regarding his self-appointed mission to kill Superman), is rewarded by surviving the killing of Luthor's monster. Superman dies, but he dies a martyr (not as punishment), seeing his mission through to the end. Furthermore, *Justice League* (2017) continues this development, clearly showing that the world needs Superman and, in fact, a whole team of superheroes for protection. Not only is Superman successfully revived,[37] but, similar to *Suicide Squad*, one of the early sequences in *Justice League* suggests that it was his death that threw the world into chaos in the first place. Without Superman, there seems to be no one to fight injustice, racism, and corruption, an apt visualization of the need for extralegal forces to ensure a functioning democracy. Tellingly, *Justice League* shows none of the concerns with vigilantism that I discuss here.

23 *Captain America: Civil War*, however, takes up the question of legitimacy and authority, pitting the different Avengers against each other. As A.O. Scott pointed out, "to release a movie called *Captain America: Civil War* to an ideologically polarized nation in the midst of a notably contentious presidential campaign" is a symbolically loaded gesture and begs

for a political reading of the film (Captain, n.pag.). The film title is no less intriguing for its historical reference (actualized by the tagline "United We Stand, Divided We Fall") or for the fact that Agamben sees the state of exception as being close to civil war, "the opposite of normal conditions" (2).[38] Similar to a civil war that threatens to disrupt the unity and functioning of a nation, the film's purported civil war threatens to paralyze the nation's protectors. Like Superman, the Avengers are accused of operating outside the law after a rescue mission in Nigeria has gone wrong.[39] The unexpected, collateral damage has put the question of accountability into focus and, consequently, the public demands that restrictions be put on the team's operations. Hence, they are approached with an ultimatum: Either they sign the "Sokovia Accords," which are to be ratified by 117 countries and which ask them to operate under the authority of a UN panel regulating their actions, or they are disbanded. Going on a mission without the authority of the accords would from now on count as a criminal act. The global community can no longer accept, in the words of the US Secretary of State (William Hurt), "a group of US-based, enhanced individuals who routinely ignore sovereign borders and inflict their will wherever they choose and who, frankly, seem unconcerned about what they leave behind" (00:21:10). Accordingly, the Avengers hotly discuss whether to sign or not, debating precisely issues such as supervision and control, public accountability and personal responsibility.

24 Yet here, too, the discussion of the need for a legitimization and supervision of the team and its missions is somewhat reduced to the assumed necessity of immediate action in urgent crisis situations. While a number of Avengers venture their opinion and discuss the problem, it is Iron Man and Captain America who end up representing the two sides of the argument. Again, as in *Batman v Superman*, this is not just a confrontation between two of the most famous Avengers but a symbolically significant contrast of what these characters have traditionally stood for. Iron Man is in favor of UN supervision and control of the team because he feels personally responsible for those who died during the Sokovia mission.[40] Yet as a former weapon's manufacturer with close ties to the government and thus a representative of what Richard Stevens calls the "military-industrial complex" (216), his vote for government supervision can also be seen as problematic. Captain America, traditionally the very embodiment of American values and frequently seen as a symbol of patriotism, stands in contrast to this. Particularly his role in *Captain America: The Winter Soldier* (2014) emphasized his ability to keep a healthy, critical distance to the authorities.[41] Moreover, as Stevens has convincingly argued, despite being a soldier, "Cap" has developed into a critical and complex character who is led by his own conscience and moral compass, if needs be against those (American) interests and politics he deems problematic.[42] Thus, the problem of (the lack of) supervision and control is not simply presented by contrasting differing points of view, but it is commented on, one could say, by juxtaposing two very different superheroes and their histories. Therefore, as convincing as the pro-supervision argument put forth by Iron Man is, it seems marred by his close ties to the military-industrial complex as well as his sometimes poor judgment of the possible consequences that the technology he develops can have. Captain America's potentially problematic refusal to be supervised and controlled, in contrast, gains credibility by his strict moral codes, which enable him to keep a critical distance to manipulating political agendas and ideologies, particularly pertinent at a time when governments and their agendas have so obviously become problematic in many ways. What Kaveney contends with regard to the comic series on which the film is based holds true for the film as well: "The point of the *Civil War* storyline [2006-07] is a discussion of

whether superheroes serve society best as agents of the state or as independent responsible individuals, and the point is made that Bush's America, with its easy abandonment of civil liberties, is not a state anyone should feel comfortable serving" (20). State authority and individual conscience are opposed in the two figures' discussion. [43] What ensues is the "civil war" intimated in the film's subtitle, in which the individual team members fall out about how to handle the governmental supervision they are faced with.

25 While the problematic nature of the superhero operating outside the law is turned into a central trajectory of the film, the remainder of the narrative undermines this in ways reminiscent of *Batman v Superman*. The democratic discussion about the necessity of an official mandate and a separate authority to supervise missions and, indeed, the accord itself become little more than a bureaucratic procedure in the course of the movie. In fact, the accord comes to serve as an apt image for the authorities' incompetence to find the "real criminal": They are hunting the "rogue" Avengers rather than Col. Zemo, who is actually responsible for the bombing. Thus, the accord turns from a potentially enabling document into a hindrance, an inconvenient, even dangerous hurdle that prevents the Avengers from pursuing justice, something that is underlined by the fact that Captain America is against it. The argument—as far as there is a verbal argument between the two factions of the team—is quite simple: hesitation and discussion on the part of Iron Man and his team (expressive of the accord) are contrasted with a simple can-do attitude of Captain America and his allies, who quickly find the real villain. Zemo is brought to justice, and the film ends with Captain America freeing the disobedient Avengers who had earlier been imprisoned, and although this is a criminal act, he has the silent consent of Iron Man, who realizes his mistake. The team's actions and its success—particularly of those refusing to operate under UN authority—suggest that the legal curbing of their power would be problematic, threatening the Avengers' full potential—the legal authority of the Sokovia Accords and with that a more democratic conception of law and justice have been effectively buried. Again, in the logic of the film's ending, the world needs superheroes unbound by legal procedures and political supervision.

5. Conclusion: Fighting for Truth, Justice, and the Superhero's Way

26 Popular texts including superhero movies reflect and shape the terrain of justice in a variety of ways, as can be seen in how they comment on problematic post-9/11 developments in politics, especially those that seek to suspend laws and legal procedures felt to prevent an effective fight against global terrorism. Much more than simple, let alone innocent entertainment or escapist fantasies, recent superhero movies visualize attitudes to such a suspension of the law, often in ambiguous, even contradictory ways. While superheroes have always stood for the ineffectiveness of the law and legal practices, their exceptionality has attained new significance in the 21st century. In the post-9/11 landscape shaped by the notion of a permanent, unpredictable, and omnipresent terrorist threat, superhero characters come to reflect the state of exception that has developed (not just) in the US. Despite the fantastic settings and stories, therefore, discussions about their extralegal status, the problematic lack of supervision, and their personal rather than legal sense of justice comment on current debates regarding US security politics. This entanglement of the superhero narrative with anti-

terror politics and legal practices goes beyond the visual references to the by now iconic imagery of the twin towers' destruction and can also be seen on the narrative level. Particularly the tensions between the unsupervised status of the superheroes and their effective, indeed indispensable responses to crisis situations takes up attitudes popularized after 9/11, in which the law was frequently felt to stand in the way of a retributive justice delivering swift punishment.

27 The films' assessment of this tension between legal procedures on the one hand and the achievement of justice on the other is quite ambiguous. In many ways, *Suicide Squad*, *Batman v Superman*, and *Captain America: Civil War* are critical of extralegal political and military measures in the fight against "evil;" yet a closer look at their narrative structure and the symbolic implications of their characters undermines this partially. The criminal members of the Suicide Squad, for instance, problematize on a more symbolic level the use of illegal means to a good end, not least since the squad's leader Waller ruthlessly ignores laws and legal procedures that are in her way. Nevertheless, aspects such as the "happy ending" lessen such a critique considerably. *Superman v Batman* and *Captain America: Civil War* make the very question of the legality of the superhero's exceptional status central to their narrative. And indeed, a number of scenes tackle the dictum that "necessity knows no law" critically. Particularly the contrast between Captain America and Iron Man in the latter movie complicates the question of supervision, highlighting the fact that government authorities and their decisions might precisely be the problem. Similarly, the figures of Superman and Batman problematize fantasies of omnipotence, the conflation of executive and judiciary, and, more generally, the lack of supervision in these areas. Still, here too, the films' endings undermine such a critique by emphasizing the superheroes' unquestionable morality and sense of justice, their success justifying the state of exception that the films apparently set out to criticize.

28 Other patterns of the superhero narrative strengthen this ambiguity.[44] For instance, the extreme crisis situations usually dealt with in the movies always suggest the need for an immediate response so that there is no time for deliberations or discussions, let alone any diplomatic solutions to the crisis. Indeed, appropriate responses and solutions, the genre insinuates, have to be not just swift but also violent.[45] Superheroes win because they are stronger and not because they have the better arguments, a point that is emphasized by the extreme violence and large-scale epic battles, spectacles of destruction that have become a staple of superhero films, indeed growing ever larger and more violent. Rather than the rule of law, these films imply, the rule of the all-powerful superhero applies, "a fantasy of preparedness" (O'Connor qtd. in Ahmed 7) and omnipotence that continues to appeal to audiences as the genre's ongoing success shows. Still, the fact that there is a discussion concerning legal implications and notions of justice in these films, highlighting the ambiguity of recent superhero characters, can be seen as a critical engagement with current anti-terror security politics and safety measures taken (not just by the US government) in the face of many global conflicts. As superhero narratives both shape and reflect our conceptions of law and justice, they consequently map a "terrain" that is quite ambiguous owing, as shown above, to the ways in which narrative and genre patters are used and revised. Despite the fact that these movies are a product of an industry that aims above all at making money—the critical and artistic intentions of many of Hollywood's directors and actors notwithstanding—they are not simply the conservative propaganda vehicles they are often purported to be but also offer much needed room for a criticism of post-9/11 politics and the ongoing state of exception. What

superheroes visualize in both their never-ending struggle against evil and their own ambiguity is the necessity to critically reflect on the laws and notions of justice that might be appropriate in a world that grows ever more complex and in which good and evil, right and wrong cannot easily be distinguished.

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NOTES

1. The title quote is one of the taglines of *Suicide Squad* ("Suicide Squad" n.pag.). For the exploration of these interconnections see, e.g., the special issue of *Law Text Culture* edited by Romero and Dahlmann or Giddens' collection *Graphic Justice*, which both focus on the relationship between comics/ graphic novels and the law. See also contributions in the *Journal of Criminal Justice and Popular Culture* or *Law, Culture and the Humanities*, which feature articles that focus on the intersections of law and popular culture texts in general.

2. Romero and Dahlman call this "the scornful perception of comics as a domain of cultural marginality demeaned as puerile and illiterate entertainment" (5).

3. See, e.g., Burke; Brooker *Hunting* and *Unmasked* ; Coogan; Kaveney; Klock; Stevens.

4. In the last two decades, more specifically since 9/11, the number of superhero films released has grown considerably, apparently hitting a nerve with audiences. Hence, 2016 saw the release of *Batman v Superman: Dawn of Justice*, *Captain America: Civil War*, *Deadpool*, *Doctor Strange*, *Suicide Squad*, and *X-Men: Apocalypse*, and in 2017, *Guardians of the Galaxy Vol. 2*, *Justice League*, *Logan*, *Spider-Man: Homecoming*, *Thor: Ragnarock*, and *Wonder Woman* hit the theaters. 2018 has continued this trend with the release of *Ant-Man and the Wasp*, *Aquaman*, *Avengers: Infinity War*, *Black Panther*, *Deadpool 2*, and *Venom* and the announcement of *Avengers: Endgame, Captain Marvel, Shazam!,* and *X-Men: Dark Phoenix* for 2019. See Burke (chapter 1) for a more extensive discussion of the various reasons for the recent "comic book movie trend."

5. Even before 9/11, Alan Moore's and Dave Gibbons' seminal *Watchmen* (1986-87) dwelled extensively on the question of "Who watches the Watchmen?," problematizing the unaccountability of superheroes operating outside of the legal and political frameworks at work in democracies. See, e.g., Petty.

6. Although the Nolan-trilogy and *Watchmen* are also interesting with regard to this topic, I concentrate on three more recent films to remain within the scope of this essay. I also do not comment on the *X-men* franchise, which focuses extensively on the legal status of its mutant protagonists but seems to me to be more concerned with questions of (racial) difference and otherness. For a discussion of vigilantism in Nolan's *Dark Knight* trilogy see Boge (Suspending) and Comerford, who focuses on the comic *Batman Incorporated*; Brooker (*Hunting*, chapt. 5) reads Nolan's *The Dark Knight* in the context of both 9/11 and the earlier film and comic narratives concerned with Batman.

7. See Louise Pears, who demonstrates the significance of "popular culture in the representation and reproduction of terrorism, security, and identity" (76) as it is part of people's everyday life and also affects their emotions.

8. In this paper, if not otherwise stated, I refer to the film versions, not the comic books, which are sometimes very different in storyline and character development. In some cases, however, I take comic storylines into account, particularly as they have a bearing on how the films can be read. The tension between the various contexts also highlights how audiences can arrive at very different interpretations—hence, those familiar with the superhero universe will draw on contexts that are not available to those who only occasionally watch superhero films. See also Brooker (*Hunting*), who convincingly argues that the multiplicity of Batman narratives (various series, adaptations, reboots, crossover narratives etc.) actually complicate any reading of the superhero, making possible different, even contradictory interpretations of the same text.

9. Pears, for instance, argues for a more systematic approach to analyzing popular cultural texts, one that involves audience-related research on how such texts can be understood. Combining work from Critical Security Studies as well as Cultural Studies, she looks at how stories about

terrorism, notably the series *Homeland*, are understood differently depending on both background of the audience and context.

10. As Gerbner et al. noted in 1982, a typical prime time TV viewer (in the US) "sees realistic and often intimate (but usually not true-to-life) representations of the life and work of 30 police officers, 7 lawyers, and 3 judges" (106). The numbers have probably changed, yet the general tendency that people spend more time watching films and series (in whatever format) seems to remain the same. Together with the rising popularity of films and series in the area of law enforcement this would mean that we see an even higher number of people working in professions related to the law (with professionals working in forensics being a more recent addition).

11. In fact, the series' visualization of torture as an effective and also acceptable way of gaining information has generated a widespread discussion which also linked *24* to the politics of the Bush administration. See, e.g., Lithwick or Edelstein.

12. According to Freeze this happened during a panel discussion at a legal conference in Ottawa, in which several senior judges participated. Also quoted in Manderson 38.

13. According to Jane Mayer, Finnegan flew to meet the producers of *24*, concerned about the "toxic effect" (n.pag.) of the show. In the face of terrorist threats, "it had become increasingly hard to convince some cadets that America had to respect the rule of law and human rights," an attitude reinforced by the way torture is shown in *24* (Mayer n.pag.; also qtd. in Manderson 38). However, see also Carodine's response to Manderson, drawing attention to the fact that different audiences will certainly read Jack Bauer in very different ways. Referring to African American and Latino communities in the US, he argues that "[w]hile there may be many applauding Jack Bauer, there are others, whose voices have often been overlooked, for whom the Jack Bauer style of law enforcement reinforces their very real feelings that the government, as represented by law enforcement, is an oppressive regime with respect to their communities" (61).

14. See, for instance, Bainbridge, who looks at a number of superheroes, from Superman and Batman to Daredevil; Boge (Crimes), who discusses the series *Justice* and *Justice League International*; Cortiel and Oehme, who focus on Miller's *Dark Knight* novels; and Harris-Fain, who analyzes the comic series *Watchmen* and *The Dark Knight*. Phillips and Strobl have conducted a systematic study on the justice-related themes and topics in recent publications of comic book series. For a reading of Nolan's *The Dark Knight* see, e.g., McGowan.

15. Hatfield, Heer, and Worcester call this "the devotion to a personal rather than legal sense of justice" (75) or, in Manderson's words, their "responsibility" rather than "accountability" (see my analysis in section 4). My discussion of the characteristics of the superhero narrative here is not meant as a prescriptive, definitive list of genre markers but a descriptive one, keeping in mind that recent approaches see genres as not only grounded in producers' but also in audiences' production of texts (Altmann, chapt. 10), an understanding of genre (history) as process marked by repetition and difference (Neale) that accounts for the hybridity of texts. For more extensive definitions of the superhero see the collection edited by Rosenberg and Coogan.

16. For discussions of this "antithetical" relationship see Bainbridge, McGowan, and Sharp.

17. See, for instance, the discussion of "The Authority" in Bainbridge.

18. However, see also Bevin (123f.), who argues that such a contrast is a relatively recent phenomenon and that in stories from before 1985, Superman and Batman "seem surprisingly in sync" (125).

19. See McGowan for a reading of Superman and Batman as two different incarnations of the crime-fighting superhero.

20. See also Genter, who offers a convincing reading of Marvel's superheroes and their development from the 1950s to the 1980s as reflections of the changes of masculinity and national identity in the US. Stevens traces the development of Captain America from his beginnings to post-9/11 developments, Brooker that of Batman (*Unmasked*, *Hunting*). Wandtke's

collection traces revisions and transformations of superheroes and their storylines as responses to their contexts of production and reception.

21. Of course, the Suicide Squad has been around for a number of decades, yet with changing cast and (background) story. Debuting in 1959 in *The Brave and the Bold #* 25, the current version of the team first appeared in *Suicide Squad* Vol. 4 #1 (2011) (Cowsill 292f.). However, it is interesting to note that they have not been adapted into a major Hollywood production until now.

22. Arguably, Batman's motivation coming from a desire for revenge (for his parents' murder) is not selfless but rather something that is usually avoided, for instance by the separation of powers that divides legislative, judicial, and executive powers or the rule that police officers cannot investigate cases in which they are personally involved.

23. Similar to the comic version, Snyder's adaptation *Watchmen* (2009) shows (some of) its heroes to be morally ambiguous and outright problematic, such as Ozymandias sacrificing millions of people in order to save the whole world. Yet, as problematic as they are, these heroes do not start out as criminals.

24. While most of them have obvious special talents, other members seem to be only part of the team for their pathological craziness and skimpy dress (Harley Quinn (Margot Robbie), who was rightly called "a frat boy's idea of what a feminist action heroine might look like" by Scott (Suicide, n.pag.)) or their expendability (Slipknot (Adam Beach), who is quickly made an example of to show what happens in case of disobedience).

25. Here and in the following, reference is made to the approximate time count on the DVD version of the movies.

26. Indeed, she was perceived as one of the most interesting and dangerous characters in the movie by several reviews. See, e.g., Scott, Suicide.

27. Deadshot, for instance, refuses to kill Quinn when she tries to escape, considering his obligation toward her as a former team member who fought with him as more binding than anything Waller threatens him with or offers to him. In a still later scene, the squad drinks to "honor among thieves" before actually deciding to help save the world.

28. Only during the final fight against the alien General Zod are his abilities revealed. Moreover, this fight causes a lot of collateral damage, which prepares the public's turn against Superman in the follow-up film. According to Kaveney, "[c]areless destruction … is one of the standard indictments against superheroes" (104). However, since the destruction of the twin towers, the implications of large-scale catastrophes have changed in ways that cannot be ignored.

29. Manderson here also refers to comic book superheroes such as Superman, Batman, and Spider-Man.

30. Manderson draws on Derrida and Levinas to make the distinction between the two concepts.

31. Significantly, in the same court hearing about Superman's accountability, an eye witness to the rescue mission in the desert states that Superman will "never answer to you. He answers to no one. Not even, I think, to God" (14:49). This is interesting with regard to historical changes in the conception of law and justice. According to Manderson, a medieval conception of justice saw it as "deriving from God" (35) but administered by worldly judges, which meant that it was "intensely personal and dynamic" (36), even somewhat random. Today's conception posits justice "as deriving from Man" (35), bound by rules and principles, a "guarantee of law" (36) which provides a certain systematicity and objectivity despite the fact that these rules and principles have to be interpreted. It is therefore rather fitting that Superman answers neither to humans nor to a God but embodies his own conceptions of justice bound by neither divine nor secular laws.

32. Superman actually fights to preserve the status quo, and his actions are more about preserving the system, even if correcting it in minor ways, than about real, systematic change. While this can be admittedly said about many superheroes (Wolf-Meyer 501), Superman's

cooperation with the authorities makes him something of a figurehead in this respect (see also Kaveney 6).

33. Bruce Wayne also argues that Superman brought destruction "to our own doorstep," alluding to *Man of Steel*, in which the Kryptonian General Zod and his crew come to find and destroy Superman. In the final battle between Superman and Zod, whole buildings and even blocks of Metropolis are destroyed and numerous people killed, a scene that is repeated—this time from Bruce Wayne's point of view—in *Batman v Superman*.

34. See Boge's reading of Nolan's *Dark Knight* trilogy (Suspending), in which he discusses the superhero's anti-democratic tendencies.

35. While the graffiti is indeed hardly visible, it can still be seen as a kind of appeal to the audience to take over this role of guarding law and justice.

36. I am borrowing here from Manderson's discussion of *24*, in which he suggests that the ever present urgency of immediate threat is systematically used to make reflection and discussion not just impossible but also not desirable (30, 40; see also 43, where he links the "appeal to blind trust" to the "Christological, vigilante, superhero tradition").

37. This is, in fact, foreshadowed during the final sequence of *Dawn of Justice*, in which the camera lingers on his grave, and the music imitates a heartbeat.

38. The tagline ("Captain America: Civil War") refers to Lincoln's famous 1858 speech, in which he warned against a permanent division of the US on account of the question of slavery: "A house divided against itself cannot stand" (462). Here, the threat of division is made to refer to current debates on security politics.

39. Strictly speaking, the mission in Sokovia, where the final battle of *Avengers: Age of Ultron* (2015) took place, also leads to the public perception of the Avengers as dangerous.

40. Indeed, since he helped create the artificial intelligence Ultron in the earlier *Avengers: Age of Ultron*, he is responsible for the collateral damage that occurred during the final fight against Ultron in Sokovia.

41. Upon discovering that S.H.I.E.L.D. wants to install a highly problematic, all-powerful surveillance and destruction program, Captain America turns against the organization.

42. Stevens mostly refers to the comic book narratives but occasionally also comments on the films. According to him, Captain America has developed into a superhero that questions and criticizes popular political opinions, interrogating notions of blind nationalism. For instance, he does not take part in the "good vs. bad" rhetoric of post-9/11 politics but sees things in a more complex way (221). See also Dittmer's discussion of the link between changing American values and revisions of Captain America's character and history.

43. In his reading of the comic's Civil War storyline, Stevens points out that the Registration Act that the superheroes argue about can be viewed as "an analogy to the PATRIOT Act," which likewise increases control and surveillance (252). Hence, while the comic concentrates on American domestic politics, the movie takes up a more global perspective with the Sokovia Accords.

44. Genres keep vibrant and relevant by repetition, revision, and disruption, constantly developing in dialogue with production contexts, reading communities, and the like. Particularly the superhero narrative seems to profit from this as it merges with other genres, such as action, adventure, fantasy and science fiction, a genre hybridity that might also have a bearing on how individual films shape and handle questions of legality and the resulting state of exception.

45. Drawing on Geoff Klock, Jack Fennell highlights three "aspects of superhero politics which are particularly problematic," namely violence, vigilantism, and the reactionary attitude of protecting the status quo (320).

ABSTRACTS

Superhero narratives have always been deeply entangled with questions of justice, and their characters, crisis situations, and narrative solutions have changed in close relationship with the socio-historic contexts they responded to. Hence, the article argues, it is fruitful to read current superhero movies as both reflections of and comments on the post-9/11 legal and political landscape characterized by an ongoing state of exception and the resulting suspension of certain laws and civil rights. Analyzing *Suicide Squad*, *Batman v Superman: Dawn of Justice*, and *Captain America: Civil War* (all released in 2016) in terms of genre, narrative as well as characters and their symbolic implications, the article shows how the films comment in ambiguous, even contradictory ways on the current terrain of justice. Although they are critical of the loss of a democratic conception of justice, in which laws and the ways they are upheld and enforced are subject to independent control instances, the films also emphasize the necessity of suspending laws during crisis situations, thus supporting an ongoing state of exception in the face of contemporary terrorist threats.

INDEX

Keywords: exceptionality, state of exception, terrain of justice, superhero movie, justice, law, 9/11, popular culture, Batman, Captain America, Iron Man, Suicide Squad, Superman

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